

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(973) 776-7700

CHAMBERS OF
JAMES B. CLARK, III
UNITED STATES MAGISTRATE JUDGE

U.S. COURTHOUSE
2 FEDERAL SQUARE, ROOM 369
NEWARK, NJ 07101

August 8, 2017

LETTER ORDER

Re: Lane v. The State of New Jersey
Civil Action No. 16-8948 (JMV)

Dear Mr. Lane and Counsel:

Currently pending before the Court are several motions filed by Plaintiff: (1) a “motion to stay proceedings and enforce a judgment” [Dkt. No. 17]; (2) a motion for reconsideration [Dkt. No. 21]; (3) a motion for default judgment [Dkt. No. 28]; (4) a motion for the entry of default [Dkt. No. 29]; (5) an “amended motion for response to Defendant’s opposition to motion for preliminary injunction” [Dkt. No. 33]; (6) a “motion for new trial” [Dkt. No. 35]; (7) a “motion to amend/correct motion for a new trial” [Dkt. No. 37]; (8) a “motion to stay proceedings” [Dkt. No. 38]; (9) a motion for the entry of default [Dkt. No. 41]; (10) an “amended motion for judgment” [Dkt. No. 42]; (11) a “motion to demand judgment” [Dkt. No. 46]; and (11) a motion to withdraw a previous motion for default judgment [Dkt. No. 48].

- 1) **Motions Relating to Extensions of Defendant’s Time to Respond to Plaintiff’s Complaint [Dkt. Nos. 17, 21]:** Defendant requested various extensions of its time to respond to Plaintiff’s Complaint and the Court granted Defendant until April 3, 2017 to file its response [Dkt. No. 16]. The extensions of time to respond to Plaintiff’s Complaint were granted by the Court within its discretion and Plaintiff’s motions requesting that these extensions be reconsidered or rescinded [Dkt. Nos. 17, 21] are **DENIED**.

- 2) **Motions for the Entry of Default and for Default Judgment [Dkt. Nos. 28, 29, 41, 42, 46, 48]:** Defendant filed its response to Plaintiff's Complaint, in the form of a motion to dismiss, on April 3, 2017 [Dkt. No. 26]. Accordingly, because Defendant properly responded to Plaintiff's Complaint on the April 3, 2017 deadline set by the Court, the entry of default or default judgment is inappropriate and Plaintiff's motions seeking such relief [Dkt. Nos. 28, 29, 41, 46] are **DENIED**. Plaintiff's pending motion to withdraw his April 4, 2017 motion for default judgment [Dkt. No. 48] is **TERMINATED as moot**. Plaintiff's pending motion to amend his prior motions for default judgment [Dkt. No. 42] is **DENIED**.
- 3) **Motion to Respond to Defendant's Opposition to Plaintiff's Preliminary Injunction Motion [Dkt. No. 33]:** This motion is not a motion but rather a reply to Defendant's opposition to Plaintiff's preliminary injunction motion. Accordingly, because Plaintiff's preliminary injunction motion has already been decided and the present motion is simply a reply to Defendant's opposition to that motion, Plaintiff's motion to respond to Defendant's opposition to Plaintiff's preliminary injunction motion [Dkt. No. 33] is **DENIED**.
- 4) **Motions for a New Trial [Dkt. Nos. 35, 37]:** Plaintiff's motions seek a new trial pursuant to Federal Rule of Civil Procedure 59(a). As no trial has been held in this matter and no final judgment entered, Plaintiff's motions for a new trial [Dkt. Nos. 35, 37] are **DENIED**.

IT IS SO ORDERED.

s/ James B. Clark, III
JAMES B. CLARK, III
United States Magistrate Judge